IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7515 OF 2004

Anil Chandrakant Pore .. Petitioner

Versus

The State of Maharashtra .. Respondents

Mr.S.R.Page for petitioner

Mr.R.D.Rane, A.G.P. for respondent

CORAM : A.P.SHAH AND

S.C.DHARMADHIKARI, JJ.

DATE : 4TH OCTOBER 2004.

P.C.

1. Heard Advocates. Perused the affidavit of Education Officer (Primary) Z.P. Sangli.

2. The Education Officer in his affidavit, has, inter alia, stated as follows:-

"It means the petitioner though worked as Assistant Teaher between the period 3.6.1993 to 11.10.1995 in the pay scale of Rs.1200-2040, even then he has accepted the same previous B.Ed. scale for the whole previous period i.e. from 14.12.1982 to 11.10.1995.

Actually, the petitioner is due to get Chattopadhayay scale after 12 years of his service in the D.Ed. scale i.e. after 15.7.1993 his initial appointment in D.Ed. scale being on 15.7.1981. It means he should get higher scale of Rs.1400-2600 from 15.7.1993. The petitioner, however, obtained one letter from his Headmaster for the period 3.6.1993 to 11.10.1995 as he taught English and Social Studies for Classes Vth to VIIIth and misguided and misinterpreted it to mean as if he has done the work prescribed for Graduate teacher, and hence, is entitled to get Chattopadhayay scale "for Graduate teacher" since he is doing the job from

14.12.1982 and hence, he should be given higher pay scale of Rs.1640-2900 from 1.12.1994. This wrong interpretation in view of the misguidance by the petitioner, was accepted by the office and he was granted the same to which he was not actually entitled to receive because to teach subject of English is not compulsory for Graduate teacher. It is the right of Headmaster to allot subjects to teach.

I further state that these facts came across after verification of the related records of the petitioner including his service book, personal file and school record where he worked. This verification was done because of the complaint made by the respondent No.4 to Lok Ayukta, Mumbai and audit objection by the Assistant Divisional Commissioner in his Inspection Report. (Annexures "C" and "D" herewith are the copies of the same). After going through all these documents, pay fixation by Chief Accounts

> and finance Officer, Zilla Parishad, Sangli, it was revealed that in this misinterpretation, several officers and servants are involved and respondent No.2 has initiated action against all the responsible persons and has passed the order dated 16th August 2004 which is legally valid and correct and as per the concerned Government Rules and Regulations."

3. It is thus seen that the petitioner managed to obtain higher payscale by misleading the authorities, although in law, he was not entitled to such higher scale.

4. Petition is dismissed.

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